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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 BRENDA J. LUMSDEN,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security,

11 Defendant.

Case No. 11-5160 RBL-KLS

REPORT AND RECOMMENDATION

12 This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
13 § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W.
14 v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for
15 remand. (ECF #25). After reviewing the parties' stipulated motion and the remaining record, the
16 undersigned recommends that the Court grant the parties' motion, and remand this matter to the
17 Commissioner for further proceedings.


18 This Court recommends that on remand the Administrative Law Judge (ALJ) shall hold a
19 new hearing. The ALJ shall also request an updated medical assessment from Plaintiff's treating
20 physician, Wen Sen Lum, M.D., to clarify his opinion about Plaintiff's ability to perform
21 exertional and non-exertional tasks. Finally, the ALJ shall re-assess Plaintiff's credibility and
22 residual functional capacity in light of the updated medical evidence.

23 Plaintiff is entitled to court filing fee costs of \$350 pursuant to 28 U.S.C. § 2412(a)
24 (cross-referencing 28 U.S.C. § 1920), upon proper request to this Court.

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2 Given the fact of the parties' stipulation, the Court recommends that the District Judge
3 immediately approve this Report and Recommendation and order the case **REVERSED** and
4 **REMANDED**. A proposed order accompanies this Report and Recommendation.

5 DATED this 3rd day of October, 2011.

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8 Karen L. Strombom
9 United States Magistrate Judge
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